



**TOWN COUNCIL  
SPECIAL MEETING MINUTES  
MAY 27, 2008**

Fern Larochelle, Jr., At Large 2010  
Charles Smith, At Large 2008  
Michael Bowie, At Large 2009  
Gina Mason, District 1 2010  
Janet Henry, District 1 2009  
Dale Crafts, District 2 2010  
Norma Wells, District 2 2009

CALL TO ORDER & PLEDGE TO THE FLAG. The Chairman, Norma Wells, called the meeting to order and led the pledge of allegiance to the flag at 7:00 PM.

ROLL CALL. Members present were Councilors Wells, Smith, Bowie, Mason, Crafts (arriving at 7:43PM, Henry, and Larochelle. Also present were Stephen Eldridge, Town Manager; Diane Nadeau, Librarian; Ryan Leighton, Town Engineer; Wayne Ricker, Solid Waste Director; Mark Stevens, Recreation Director; Gerald Samson, Assessor/CEO; P. Sean Galipeau, Fire Chief; David Brooks, Police Chief; Rosie Bradley, Economic & Community Development Director; and approximately eighteen citizens in the audience.

**PUBLIC HEARINGS**  
**REALLOCATION OF EXISTING PINE TREE ZONE ACRES**

The Chairman opened the Public Hearing. Mrs. Bradley explained that Lisbon needed to transfer .28 acres of unusable Pine Tree Zone acres to .28 acres located at 32 Main Street in Lisbon Falls to accommodate an already pre-certified business. The Chairman closed the Public Hearing.

**WELLHEAD ORDINANCE**

The Chairman opened the Public Hearing. There were no comments. The Chairman closed the Public Hearing.

**WINDMILL ORDINANCE**

The Chairman opened the Public Hearing. Richard Main of 7 Libby Street encouraged the Council not to adopt this Windmill Ordinance as presented. He said this would eliminate 75% of the existing homes in town from benefiting from windmill power. He pointed out that he was paying 15.9 cents per kilowatt per hour and that fuel oil was now \$4.28 per gallon. He suggested the Council review the State's model windmill ordinance first.

Roger Cote of 189 Ridge Road said this windmill ordinance was a bit premature, that windmill power is in the development stages, and recommended the Council wait and see what and where this situation goes and to regulate it when it gets out of hand. The Chairman closed the Public Hearing.

**SIGN ORDINANCE**

The Chairman opened the Public Hearing. There were no comments. The Chairman closed the Public Hearing.

**CONSENT AGENDA**

**VOTE (2008-77)** Councilor Bowie, seconded by Councilor Smith moved to approve the following consent items: A) 14 Renewal Mobile Home Park Licenses as follows: Avery Street Park, Beaumont Court, Brookwood Court, Colonial Gardens Trailer Park, Davis Street Park, Gendron's Mobile Home Park, Grimmels Trailer Park, Ridge Mobile Home Park, Sabattus Creek, Saint Ann's Mobile

Home Park, Town & Country Mobile Home Park, Whispering Pines Trailer Park, Worumbo Estates and Worumbo Park, B) One six month conditional Victualer's license for Dr. Mike's Madness and renewal Victualer licenses for Dairy Maid, Kitty Korner, Riverside Dairy Bar, and the Railroad Restaurant and Pub, C) Itinerant Vendor Permit & Victualer's Licenses for Bill's Hot Dogs, and D) one Off Premise Catering Permit for Henry's Catering. **Order passed - Vote 6-0.**

### **COUNCIL ORDERS, RESOLUTIONS & ORDINANCES**

The Council Chair read the results of balloting for the School Validation Referendum Vote held on May 20, 2008 Election as follows:

Question 1: School Budget Validation	Yes	127	138	<b>265</b>
	No	97	130	<b>227</b>
Question 2: If you voted No	Too High	93	124	<b>217</b>
	Too Low	4	14	<b>18</b>
Was it because the budget was				
Total Ballots Cast:		224	268	<b>492</b>

### TOWN REPORT PRINTING BIDS

**VOTE (2008-78)** Councilor Wells, seconded by Councilor Smith moved to award the Town Report printing bids to Park Street Press for \$1,365. **Order passed - Vote 6-0.**

### ADOPTION OF WELLHEAD ORDINANCE (Final Passage)

**VOTE (2008-79)** Councilor Smith, seconded by Councilor Larochelle moved to adopt the Wellhead Ordinance as presented.

Councilor Wells pointed out that the Council previously ordered that 5-6-2008 be inserted in section 70-5(b) right after "...in existence in the Groundwater Protection Overlay Zone or Wellhead Protection Overlay Zones on or before." Mrs. Bradley said this ordinance appears to be very restrictive and was concerned about restricting uses at the Longchamp's Industrial Park. She pointed out that her two potential buyers would not be able to move there. Ferg Lea from AVCOG went over some of the allowable and prohibited uses listed in the table. Councilor Bowie asked if this ordinance was more restrictive than DEP; Mr. Lea replied in general, yes. Mr. Lea explained that should a spill occur this ordinance would mandate containment, good record keeping, and provide for follow up by local government. Councilor Larochelle recommended Mrs. Bradley and AVCOG get together to review this ordinance in more detail. Councilor Mason said she would like to see AVCOG's report. Councilor Bowie requested that this ordinance stay on the fast track still.

**Vote By Roll Call - Yeas: None. Nays: Councilors Larochelle, Smith, Bowie, Mason, Henry, Crafts, and Wells. Order Failed - Vote 0-7 (Final Passage).**

ADOPTION OF WINDMILL ORDINANCE*(Final Passage)*

**VOTE (2008-80)** Councilor Bowie, seconded by Councilor Larochelle moved to adopt the Windmill Ordinance as presented.

Councilor Bowie said he listened to the comments from the public, that if Lisbon does not have an ordinance regulating windmills, residents could do what ever they want, and commented that this ordinance would be a good starting point. Councilor Wells agreed. Mr. Samson explained that Lisbon's zoning ordinance contains verbiage that specifically says, "Uses which are not specifically allowed as permitted uses or conditional uses were prohibited." There appears to be a need to find energy resources.

Councilor Smith, seconded by Councilor Larochelle moved Amendment #1 to strike #5 and to reduce 40,000 square feet to 21,780 (1/2 acre). Councilor Smith said this ordinance was too restrictive and encouraged the Council to adopt the right ordinance the first time. Councilor Bowie pointed out that this was a substantive change and would require this process start over for adoption. Councilors Smith and Larochelle withdrew their motion.

**Vote By Roll Call - Yeas: Councilors, Bowie and Wells. Nays: Councilors Larochelle, Smith, Mason, Henry, and Crafts. Order Failed - Vote 2-5 (Final Passage).**

ADOPTION OF SIGN ORDINANCE*(Final Passage)*

**VOTE (2008-81)** Councilor Bowie, seconded by Councilor Smith moved to adopt the Sign Ordinance as presented. **Vote By Roll Call - Yeas: Councilors Larochelle, Smith, Mason, Henry, Crafts, and Wells. Nays: Bowie. Order Passed - Vote 6-1 (Final Passage).**

PINE TREE ZONE ACRES RESOLUTION

**VOTE (2008-82)** Councilor Bowie, seconded by Councilor Smith moved to adopt the following resolution:

**Town of Lisbon, County of Androscoggin, Maine  
Resolution to Reallocate Existing Pine Tree Zone Acres**

**WHEREAS**, the Town of Lisbon, Maine proposes to add one or more parcels of land in the Town of Lisbon to the list of previously designated Androscoggin Valley Pine Tree Development Zone properties located in the Town of Lisbon and to subtract other previously designated lots of equivalent acreage so that the total acreage of all of the existing Androscoggin Valley Zone parcels in Lisbon remain the same; and

**WHEREAS**, The parcel to be added is described as follows: **Tax Map/Lot - U5-143 - 32 Main Street, Lisbon Falls, ME 04252**

**WHEREAS**, The parcel(s) to be deleted (the "De-Designated Property) is described as follows:

<u>Address</u>	<u>Map and Lot Number</u>	<u>Size in Acres</u>
Route 196	Map U-13 Lot 24	.28 acres

**NOW THEREFORE**, it is hereby resolved by majority vote of the Town Council that:

1. The Town of Lisbon hereby removes Pine Tree Zone designation from the De-Designated Property; and
2. The Town of Lisbon hereby designates for inclusion in the Lisbon Zone the Newly Designated Property; and
3. One or more of the qualified business activities specified in the Pine Tree Development Zone statute, 30-A MRSA c 206 sub-c. 4, is a permissible and suitable activity on the Newly Designated Property under zoning or other land use regulations adopted by the Town of Lisbon or the Town of Lisbon hereby determines that one or more of the qualified business activities is a permissible and suitable activity on the Newly Designated Property; and
4. The Newly Designated Property is declared hereby to be a designated growth area in the Town of Lisbon; and
5. The Town of Lisbon, agrees to maintain at least one pre-permitted construction or development site available within the zone on a continual basis throughout the term of the zone designation, but only to the extent that property so designated in the zone remains available for development; and
6. The Town of Lisbon, authorizes the Androscoggin Valley Council of Governments, 123 Manley Road, Auburn, Maine 04240, the administrator of the Androscoggin Valley Pine Tree Development Zone, to apply on its behalf to the Maine Department of Economic and Community Development to amend the Androscoggin Valley Pine Tree Development Zone as described above; and
7. The Town of Lisbon hereby adopts the Androscoggin Valley Zone development plan and amendments thereto to remove Pine Tree Zone designation from the De-Designated Property and to include in the Androscoggin Valley Zone the Newly Designated Property and subject to such further changes and revisions as the Androscoggin Valley Zone governing body may approve, provided that such changes or revisions shall not be inconsistent with the tone or tenor of these resolutions; and
8. The Town of Lisbon hereby authorizes the Town Manager to notify the Androscoggin Valley Zone administrator of this amendment and request that the Androscoggin Valley Zone administrator notify the Commissioner of the Department of Economic and Community Development of this amendment, pursuant to Maine Department of Economic and Community Development, 19 100 CMR 19-100-100.5 and further authorizes the Town/City Manager to execute a letter of transmittal to the zone administrator as required by Maine Department of Economic and Community Development, 19 100 CMR 19-100-100.5 and containing the certification required therein; and
9. The Town Council hereby finds and determines that the purpose of this amendment is to more effectively encourage business investment in Lisbon in order to provide new employment opportunities, improve existing employment opportunities, improve and broaden the tax base and improve the general economy of the state; and
10. The Town of Lisbon or the administrative body of the Androscoggin Valley Zone will not use the Pine Tree Development zone benefits to encourage or facilitate the transfer of existing positions or property of a qualified business or affiliated business to a qualified business activity from a nonqualified activity elsewhere in the State.

**Resolution passed – Vote 7-0.**

ADOPTION OF 2008-2009 MUNICIPAL BUDGET RESOLUTION*Item taken up after Appointments***OTHER BUSINESS**A. FINANCE DIRECTOR'S REPORT

Cathy Ricker said Lisbon should meet its revenue and budget projections by fiscal year end next month. She said she did the transfers and had one correction to make. The street light budget was over this year. Mr. Eldridge said Lisbon needed to do a street light inventory. Councilor Bowie said Lisbon would not overcome the deficit in the winter road account.

B. ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Mrs. Bradley said she spent several weeks going through all of the files, boxing up those that needed to be kept and throwing those that did not. She said her first bulk mailing went out to area businesses and that she received several responses. From the survey, she found that 14 businesses are planning to expand, 12 were going out of business, and 21 wanted a visit. She will be setting aside one day a week to do business visits starting in June. She mentioned that the new Revolving Loan Advisory Committee met to review a loan; the committee is requesting more information prior to making its recommendation to the Council. She announced that a new group would start looking at our community vision; it will start as a small group and move into a larger group. They will be gather preliminary information for the visionary group to use as Lisbon prepares for the Downtown Revitalization Program. Mrs. Bradley said the wellhead ordinance might be of some concern, that it directly affects the Industrial Park that the Town designated to be our development area. It seems too restrictive and encouraged the Council to take a closer look at the ineligible uses, which might be necessary depending on the businesses Lisbon wants to attract.

C. TOWN MANAGER'S REPORT

Mr. Eldridge said Mrs. Nadeau had the Library sewer issues corrected. He said Mr. Leighton received a \$5,000 grant to place trees along the Ricker Trail Section. He confirmed AVCOG's general assembly members, who are Janet Henry and Mr. Eldridge. He met with MDOT and Mike Gotto of Sebago Technics representing Gendron's on the Route 196/Route 9 project. He met with MDOT, Aubuchon Hardware's representatives, and the engineering staff to discuss the street opening onto Route 196; Aubuchon's does not have their final MDOT permit.

**AUDIENCE PARTICIPATION - None****APPOINTMENTS**CONSERVATION ALTERNATE MEMBERS

**VOTE (2008-84)** Councilor Crafts, seconded by Councilor Mason moved to appoint Diane Ford an alternate member until 2009 and Bartolo Ford an alternate member until 2010 to the Conservation Commission. **Order passed - Vote 7-0.**

The Council Chair called for a three-minute break at 8:32 PM. The Council Chair called the meeting back to order at 8:37 PM.

ADOPTION OF 2008-2009 MUNICIPAL BUDGET RESOLUTION

**VOTE (2008-83-1)** Councilor Bowie, seconded by Councilor Smith moved to adopt the following resolution:

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LISBON AS FOLLOWS:

That the Municipal Budget for the Town of Lisbon for the fiscal year commencing on July 1, 2008 and ending on June 30, 2009 be and hereby is adopted with a total expenditure of \$7,404,797 balanced with a total of \$3,466,540 in estimated revenue. A summary of appropriations is attached to this Resolution as Exhibit A. A summary of estimated revenue is attached to this Resolution as Exhibit B.

Mr. Eldridge mentioned the LD1 overage account number 1221 and pointed out this budget would use \$300,000 to offset taxes. He said this year purchases need to be coordinated around the tax due dates. **Resolution passed - Vote 4-3. (Against: Henry, Crafts, and Mason)**

**VOTE (2008-83-2)** Councilor Bowie, seconded by Councilor Wells moved to exceed the Tax Cap Limit by \$1,030,000.00. **Order passed - Vote 4-3. (Against: Henry, Crafts, and Mason)**

### COUNCILOR COMMUNICATIONS

Councilor Bowie said he received a letter from the Androscoggin County Commissioners inviting municipal officials to an informal workshop to discuss the direction the county should take with regard to the County's Communication Center. The workshop would be held on June 4, 2008 at 6:30 PM in the Law Library (second floor) in the County Building.

Council Bowie talked about the Route 196/Route 9 intersection and the flower garden. This intersection is to be reconstructed in three months. Councilor Smith suggested not planting flowers this year.

Councilor Crafts mentioned he recently attended a class in New Jersey that talked about the hydrogen fuel cell.

Councilor Wells thanked the members of the Council for their work this year on the budget.

### EXECUTIVE SESSION - *Postponed*

### ADJOURNMENT

**VOTE (2008-86)** Councilor Bowie, seconded by Councilor Wells moved to adjourn at 9:27 PM. **Order passed - Vote 7-0.**

Respectfully Submitted,

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Twila Lycette, Council Secretary  
Town Clerk, Lifetime CCM